

AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE 2, DOGS, OF THE TOWN CODE
OF SILVERTON, COLORADO

WHEREAS, the Town Board of Trustees of the Town of Silverton, Colorado, desires to amend Chapter 15, Article 2, Dogs, of the Town Code; and

WHEREAS, the Board of Trustees has the authority pursuant to Sections 31-15-101 and 31-15-401 to adopt regulations concerning the keeping and control of animals, including dogs;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON:

Chapter 15, Article 2 of the Town Code of Silverton, Colorado shall read as follows:

- "15-2-1 Definitions As used in this article, unless the context requires otherwise,
- (a) Animal Control Officer: Shall mean any person(s) designated by the Town of Silverton to enforce the laws of the Town pertaining to animals.
 - (b) Dog: Shall refer to any animal of the canine species, regardless of sex.
 - (c) Owner: Shall mean any person who keeps or harbors a dog, or who has a dog in his/her care, or who acts as the custodian of the dog.
 - (d) Vaccination: Shall mean vaccination against Rabies by a licensed veterinarian using vaccine approved by the National Association of State Public Health Veterinarians for primary vaccination at three months, follow-up vaccination at one year three months, and a booster every two or three years thereafter.
 - (e) Vicious Dog: Shall mean a dog that bites or attacks a person or other animal without provocation either on public or private property, or in a vicious or terrorizing manner approaches any person in apparent attitude of attack on the streets, sidewalks, or any public ground or place.
- 15-2-2 Rabies Vaccination No person shall own or harbor any dog over the age of three months unless the dog has been vaccinated against Rabies by a licensed veterinarian according to the following schedule:
- Primary Vaccination - three months
 - First Booster - one year three months
 - Follow-up boosters - every two or three years thereafter, in accordance with the type of vaccine used.
- 15-2-3 License Fees and Fines
- (a) As soon as a dog has been vaccinated as set forth in 15-2-2, the owner shall present the certificate of vaccination to the Town Clerk at Town Hall. The Town Clerk shall issue to the owner a dog license evidenced by a metal tag. The metal tag shall have stamped on it the year it is valid for and an identification number. The owner shall pay to the Town a license fee according to the following schedule:
 - \$ 5.00 Puppies over three months
 - \$ 5.00 Neutered male or spayed female
 - \$10.00 Unneutered male or unspayed female over one year of age
- A veterinarian's certificate of spay or neuter will be required to qualify for the lower rate.
- All owners will apply for a renewal of an existing dog license prior to January 31st of each year. All previously issued licenses will expire on December 31st of the year for

which the license was purchased. If a metal tag is lost or destroyed, the Town Clerk will issue a duplicate of the remainder of the year in which the original license was purchased for the fee of \$1.00.

The Town Clerk shall keep a record of all licenses issued. All owners of dogs shall be required to obtain a license for their dog if they reside continually in the Town for a period of thirty (30) days and the dog is over three months old.

- (b) Fines to be levied - Any owner found to be in violation of this section shall be subject to the following fine schedule:

Puppies over three months to one year of age: \$25.00

Neutered male or spayed female over one year of age \$25.00

Unneutered male or unspayed female over one year of age \$30.00

This fine fee will automatically include the price of tags, subject to the provision of 15-2-2 regarding rabies vaccination.

15-2-4 Collar and Tags

- (a) Every owner of a dog shall place upon his/her dog a collar or harness made of durable material, to which the metal dog tag issued by the Town of Silverton shall be affixed. No dog shall wear a license issued to another dog.

- (b) Fines to be levied - Any owner found to be in violation of this section shall be subject to a fine of \$20.00.

15-2-5 Dogs Running at Large and Fines

- (a) It shall be a violation of this ordinance for any owner of any dog to permit such dog to run at large within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. For the purpose of this section a dog shall be declared to be running at large when it is off the residential or business premises of its owner or a member of the owner's immediate family, except by leash or cord or chain not more than ten (10) feet in length and under the physical control of the owner or other person having custody of the dog. If a dog is found to be at large in the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park, the owner or keeper shall be presumed to have violated this Section.

- (b) Fines to be levied - Any owner to be in violation of Section 15-2-5 (Dogs Running at Large) shall be subject to the following fine schedule:

1st offense within any 12 month time period: \$25.00

2nd offense within a 12 month time period following the 1st offense: \$50.00

3rd offense within a 12 month time period following the 2nd offense: \$100.00 and/or 90 days in jail and mandatory court appearance

For each and every offense within any 12 month time period following either the 3rd offense or any offense thereafter occurring within 12 months of a prior offense: \$300.00 and/or 90 days in jail and mandatory court appearance.

- (c) Impound and pick-up fees - Anytime a dog is picked up and transported to the dog pound and kept there, a fee will be imposed. That fee will be \$10.00 for pick-up. This fee will be added along with any fines imposed in any previous sections.

15-2-6 Abandonment Prohibited It shall be unlawful for any person to willfully abandon any animal in the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. Any person found guilty of violating this section shall be subject to a mandatory court appearance and a fine not to exceed \$300.00 and/or 90 days in jail.

15-2-7 Establishment of the Dog Pound The Town Board shall have the right to establish a dog pound to be operated by Town personnel. The Town Board may

contract with a public or private person or organization for the operation of a dog pound for the Town of Silverton.

- 15-2-8 Impoundment It shall be lawful for the animal control officer or any police officer to impound any dog which is in violation of any of the provisions of this section. It shall be lawful for any animal control officer to go upon private property for the purpose of catching any dog to be impounded. If the dog is licensed, reasonable diligence shall be exercised by the animal control officer or police officer to locate the owner of said dog. If the owner is located within a reasonable time, the dog shall be returned to the owner with an appropriate citation issued and no impoundment is necessary. If the owner cannot be located or is unknown, the dog shall be impounded.

- 15-2-9 Notice of Impoundment As soon as possible after a dog is impounded, it shall be the responsibility of the impounding officer to post a written notice of impoundment. This notice shall state the time, date, and location from which the dog was picked up and a description of the dog. One notice shall be posted at the post office and the other at Town Hall in a conspicuous location. This notice shall remain for 72 hours.

- 15-2-10 Release from Pound No dog shall be released from the pound without an order from the animal control officer or municipal judge.

- 15-2-11 Redemption Fees Any owner of a dog desiring to redeem said dog from the pound shall pay the following fees:

\$10.00 per day for dogs impounded from the Town of Silverton

\$10.00 per day for dogs brought in from the County.

If the fees are not paid before the court date written on the summons, the municipal judge shall require the owner to pay the fees. These fees shall not be construed to be in place of any fines to be levied by the Municipal Judge, but charged in addition to them.

- 15-2-12 Authorization to Dispose of Dog If the owner of a dog does not want to reclaim said dog after impoundment, the owner will be allowed to sign an Animal Disposal form authorizing the dog to be immediately removed from the pound and taken to the animal shelter in Durango. All ownership rights are given up, and the person signing the Animal Disposal form shall pay the Town a disposal fee of \$100.00 plus the actual costs charged to the Town for disposal of the dog.

- 15-2-13 Disposal of Dog Whose Owner Cannot be Located If the owner of an impounded dog is not known and/or a dog is not claimed within 72 hours of the time of impoundment, the dog may be disposed of by transporting it to the animal shelter or other designated facility.

- 15-2-14 Vicious Dogs It shall be unlawful for any owner to keep a vicious dog within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. It shall be the duty of the animal control officer and all police officers to impound any dog which is vicious or to order its confinement by its owner until such time as a determination can be made in Municipal Court as to whether it is vicious or not. In the event a vicious dog cannot be caught and impounded without the animal control officer or police officer being exposed to personal danger or injury from the dog, it shall be lawful for the officers to immediately destroy the dog without notice to the owner.

- 15-2-15 Confinement of a Dog that has Bitten a Person The animal control officer or any police officer shall be immediately notified, by any victim or the owner, of a dog who is suspected of or who has actually bitten a person. The responding officer will verify

that the dog has been vaccinated for rabies. If the owner cannot prove vaccination, the dog will be impounded at the La Plata County Animal Shelter or suitable veterinary facility for observation for a period of ten days. Any costs incurred by such impoundment will be paid by the owner of said dog.

15-2-16 Fines to be Levied - Vicious Dog Any owner found guilty of having a vicious dog will be subject to a fine of not less than \$100.00 and not more than \$300.00 and/or 90 days in jail. Court appearance will be mandatory as any fine must be set by the Municipal Judge.

15-2-17 Disposal of Vicious Dogs Any dog found in court to be a vicious dog may be ordered destroyed by the Municipal Judge. The dog will be immediately impounded and taken as soon as is practical to the animal shelter or other designated facility for disposal. The owner of the dog will be liable for any and all expenses incurred by the Town of such disposal.

15-2-18 Barking Dogs No person shall own a dog which by frequent or repeated barking or howling, shall disturb the peace of any person in a neighborhood.

15-2-19 Barking Dogs - Fines to be Levied The following schedule of fines shall be followed:

1st offense within any 12 month time period: Warning Citation

2nd offense within a 12 month time period following the 1st offense: \$25.00

3rd offense within a 12 month time period following the 2nd offense: \$50.00

4th offense within a 12 month time period following the 3rd offense: \$100.00 and/or 90 days in jail and mandatory court appearance

For each and every offense within any 12 month time period following either the 4th offense or any offense thereafter occurring within 12 months of a prior offense: \$300.00 and/or 90 days in jail and mandatory court appearance.

15-2-20 Dog Fights No person shall cause, encourage, or instigate any dog fight within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park.


15-2-21 Obstructing an Officer It shall be unlawful for any person to interfere with, molest, hinder, or obstruct the animal control officer or any police officer in the performance of their official duties under this section.

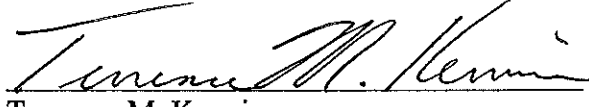
15-2-22 Disposition of Fines and Fees All fines and fees collected under this ordinance, whether by the Town Clerk or Municipal Judge, will go into the general fund of the Town of Silverton."

PASSED AND ADOPTED THIS 12th DAY OF MAY, 1997.

ATTEST:

TOWN OF SILVERTON


Marjorie L. Gregory
Town Clerk-Treasurer


Terrence M. Kerwin
Mayor